

# SUPERIOR COURT OF CALIFORNIA

County of San Diego

DATE: January 8, 2007

DEPT. 71

REPORTER A: Sandra Hohn

CSR# 11832

PRESENT HON. RONALD S. PRAGER

REPORTER B:

CSR#

JUDGE

CLERK: K. Sandoval

BAILIFF: L. Wilks

REPORTER'S ADDRESS: P.O. BOX 120128

SAN DIEGO, CA 92112-4104

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IN RE: JCCP 4221/4224/4226&4428 – Natural Gas Anti-Trust Cases (Price Indexing)

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The attached Court's ruling regarding applies to all cases listed as follows: Continued Discovery regarding McKesson Issue.

4221-00020	UYEDA vs CENTERPOINT ENERGY INC
4221-00021	BENSCHIEDT vs AEP ENERGY SERVICES INC
4221-00022	COUNTY OF SANTA CLARA vs SEMPRA ENERGY
4221-00023	CITY AND COUNTY OF SAN FRANCISCO vs SEMPRA ENERGY
4221-00024	COUNTY OF SAN DIEGO vs SEMPRA ENERGY
4221-00025	OLDER vs SEMPRA ENERGY
4221-00026	CITY OF SAN DIEGO vs SEMPRA ENERGY
4221-00027	TAMCO vs DYNEGY INC
4221-00028	A L GILBERT COMPANY vs CORAL ENERGY RESOURCES LP
4221-00029	OBERTI WHOLESALE FOOD INC vs ENCANA ENERGY SERVICES INC
4221-00030	BROWN vs ENCANA ENERGY SERVICES INC
4221-00031	LOIS THE PIE QUEEN vs ENCANA ENERGY SERVICES INC
4221-00032	VITTICE CORPORATION vs ENCANA CORPORATION
4221-00033	COUNTY OF ALAMEDA vs SEMPRA ENERGY
4221-00034	THE REGENTS OF THE UNIVERSITY OF CALIFORNIA vs RELIANT ENERGY SERVICES INC
4221-00035	SCHOOL PROJECT FOR UTILITY RATE REDUCTION vs SEMPRA ENERGY
4221-00036	ASSOCIATION OF BAY AREA GOVERNMENTS vs SEMPRA ENERGY
4221-00037	OWENS-BROCKWAY GLASS CONTAINER INC vs SEMPRA ENERGY
4221-00038	TEAM DESIGN DBA TIMOTHY ENGELN INC vs RELIANT ENERGY INC
4221-00039	CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER vs RELIANT ENERGY SERVICES INC
4221-00040	SACRAMENTO MUNICIPAL UTILITY DISTRICT vs RELIANT ENERGY SERVICES INC
4221-00041	SHANGHAI 1930 RESTRAURANT PARTNERS LP vs ENCANA ENERGY SERVICES INC
4221-00042	PODESTA vs ENCANA ENERGY SERVICES INC

**4221-00042     PODESTA vs ENCANA ENERGY SERVICES INC**  
**4221-00044     COUNTY OF SAN MATEO vs SEMPRA ENERGY**  
**4221-00045     BUSTAMANTE vs WILLIAMS ENERGY SERVICES**  
**4221-00046     PABCO BUILDING PRODUCTS vs DYNEGY INC**  
**4221-00047     BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY vs DYNEGY INC**  
**4221-00043     NURSERYMAN'S EXCHANGE OF HALF MOON BAY vs SEMPRA ENERGY**

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1:35 P.M. This being the time previously set for Ex Parte Hearing regarding continuing discovery regarding the McKesson issue. Personally present are:

Barry Himmelstein of Lieff Cabraser, Heimann & Bernstein LLP  
Derek Howard of Murray & Howard  
Nancy I. Fineman of Cotchett, Pitre, Simon & McCarthy  
Jeffrey Shohet of DLA Piper  
Bennett Young of LeBoeuf, Lamb, Greene & McRae

Additional counsel is listed on exhibit "A" which is attached hereto and incorporated herein as though set forth in full.

The Court entertains argument from Defense counsel Attorney Shohet regarding production of documents they claim are Attorney Client that were provided to the government.

Attorney Himmelstein presents rebuttal argument requesting that the Defendants provide the reason the documents were provided with production of requests from government offices.

Attorney Fineman presents argument on behalf of the non-class Plaintiffs. Attorney Fineman requests that the Court have a hearing regarding this issue.

The Court sets the following dates for the HEARING ON MCKESSON ISSUE:

Plaintiffs to File and Serve January 23, 2007  
Defendant's opposition by February 21, 2007  
Reply by March 21, 2007  
Sur Reply April 4, 2007

The Court will notify counsel of the date for the tentative ruling and a time for oral argument at a later date. Attorney Fineman to prepare order and counsel to approve as to form.

2:15 p.m. Court is adjourned.

Clerks Note: The Court directs the clerk to ask Attorney Shohet to prepare two binders with all papers for the Court's convenience. Attorney Fineman to add this to the order she is to prepare.